

REMARKS

Claims 37-39, 41, 43-46 and 48-51 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,394,744 to James et al. (hereinafter “James”) in view of U.S. Patent Application 2003/0033799 A1 to Scheying et al. (hereinafter “Scheying”) and U.S. Patent No. 6,029,044 to Arsenault et al. (hereinafter “Arsenault”). Claims 40, 42, and 52 stand rejected under 35 U.S.C. §103(a) as being unpatentable over James in view of Scheying and “Prevost” and further in view of U.S. Patent No. 5,781,871 to Mezger et al (hereinafter “Mezger”). Claims 53-56 are objected to as being dependent upon a rejected base claim.

Applicants have herein amended claim 37 to correct a clerical error. Specifically, applicants have amended claim 37 to replace the phrase “long range” with the phrase “long run” and to replace the phrase “short range” with the phrase “short run.” These amendments are made for the purpose of clarifying the language in claim 37 to be consistent with applicants’ specification. In particular, applicants’ specification recites at pp. [0043] a filter block 100 that “is configured as a long run averaging filter operable to produce as an output a long run average, LR, of the reagent quality signal.” Applicants’ specification further recites at pp. [0044] a filter block 110 that “is configured as a short run averaging filter operable to produce as an output a short run average, SR, of the reagent quality signal.” In the remainder of applicants’ specification, it appears the phrases “long range averaging filter” and “short range averaging filter” intermittently appear in error. However, the phrases “long run averaging filter” and “short run averaging filter” used in applicants’ specification more accurately describe the function of the “first filter” and “second filter” recited in applicants’ claim 37, and applicants’ have

therefore amended claim 37 herein for accuracy and clarity. No new matter has been introduced by these amendments, and applicants respectfully request entrance of these amendments to claim 37.

The phrases “long run” and “short run” are intended by applicants to have ordinary meaning, and therefore do not require a specific definition thereof in applicants’ specification. In Webster’s New World College Dictionary, Fourth Edition, ©2001, for example, the phrase “long run” is defined as “extending over a long time,” and the phrase “short run” is defined as “lasting for a short period of time, short-term.” Using ordinary meanings of these phrases, a person of ordinary skill in the art would thus understand a “long run averaging filter” to be a filter that averages data over a long time period and a “short run averaging filter” to be a filter that averages data over a short period of time. Arsenault et al. do not disclose such long run and short run averaging filters. Nor do any other of the references of record. Accordingly, there is no basis for combining any of the references of record to teach applicants’ claimed invention, and a *prima facie* case of obviousness therefore cannot be made. As such, applicants’ respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 37-39, 41, 43-46 and 48-51. Because claims 40, 42 and 52 ultimately depend from claim 37, withdrawal of the 35 U.S.C. §103(a) rejection of claims is likewise requested.

Applicants have herein amended claim 37 to correct a clerical error, and have traversed the §103(a) rejection of claims 37-46 and 48-52. Applicants accordingly believe that claims 37-46 and 48-56 are in condition for allowance, and such action is solicited. The Examiner is cordially invited to contact the undersigned by telephone to discuss any unresolved matters.

Respectfully submitted,



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